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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re ALEXANDRA Z. et al., Persons
Coming Under the Juvenile Court Law.

ALAMEDA COUNTY SOCIAL
SERVICES AGENCY,

Plaintiff and Respondent,

v.

DEAN Z.,

Defendant and Appellant.

A134244

(Alameda County
Super. Ct. Nos. HJ10016112,
HJ10016113)

The juvenile court found that minors Alexandra and Sydney Z. came within the jurisdiction of that court. On appeal, their father—appellant Dean Z.—challenges the court’s¹ finding that the minors were at risk of serious emotional damage as a result of his conduct. (Welf. & Inst. Code,² § 300, subd. (c).) He contends that (1) inadmissible evidence was admitted and considered on this issue; (2) his visitation rights were improperly left to the discretion of a social worker; (3) he could not be found to be the cause of the minors’ serious emotional damage; and (4) insufficient evidence supports the jurisdictional findings. We affirm the disposition orders.

¹ A challenge to a jurisdictional finding is properly made on appeal from the dispositional order. (*In re James J.* (1986) 187 Cal.App.3d 1339, 1342.)

² All statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

I. FACTS

A. *Initial Report*

In April 2002, Dean and Monica Z. became the parents of a daughter, Alexandra. Sister Sydney was born in June 2004. In October 2010, respondent Alameda County Social Services Agency (agency) received a telephone hotline report that Dean insisted on bathing with his daughters and refused to allow Monica in the bathroom during the baths. Dean and Monica were having relationship problems. He was said to be drinking to excess, to be verbally intimidating and to have once committed an act of domestic violence. After Dean spent an hour putting Sydney to bed one night, the minor left the bedroom in hysterics. Alexandra and Sydney were withdrawn. They said that their father was mean and that they did not like to be around him. The reporter also stated that Sydney was touching her genitals. Monica feared confronting Dean about his conduct, as he was the sole provider for the family, according to the reporter.

Monica was interviewed about this report. She confirmed that Dean was verbally abusive to all three females, that the minors were fearful of him, and that the girls were forced to bathe with him outside her presence. Dean also used the bathroom in the minors' presence. She corroborated the report that Sydney had been hysterical one night after Dean tried for an hour to put her to sleep. Monica was uncertain whether Dean was sexually abusing Alexandra and Sydney. She felt intimidated by him.

In October and November 2010, both minors were interviewed.³ Alexandra and Sydney reported that Dean sometimes made one of them sleep with him in his bed. They confirmed other aspects of Dean's inappropriate conduct, but denied any inappropriate touching had occurred. Sydney seemed upset by the questions she was asked.

Dean was also interviewed. He denied any sexual abuse and deemed his bathing, nudity and sleeping arrangements with the minors to be appropriate. The social worker explained that Alexandra and Sydney were old enough to bathe themselves. When she recommended that Dean not use the bathroom in front of the minors and allow them to

³ The juvenile court reviewed the tape-recorded interviews during the jurisdictional hearing.

sleep in their own beds, he agreed. With this agreed-upon safety plan in place, the report was deemed to be unfounded and the investigation was closed.

B. Subsequent Report

In early December 2010, Monica reported to the agency that Dean was again bathing the minors. Dean had discussed a separation from Monica with the girls. Concerned about Dean's sexualized behaviors and Monica's inability to protect Alexandra and Sydney from him, the agency reopened the investigation. A protective custody warrant was obtained. On December 10, 2010, Alexandra and Sydney were detained and placed in foster care.

On December 15, 2010, the agency filed a petition alleging that the minors were subject to juvenile court jurisdiction on failure to protect and sexual abuse grounds. (§ 300, subds. (b), (d).) The specific allegations included that Dean was domineering to his wife and children; had engaged in domestic violence against Monica; had used excessive physical discipline with the minors; drank to excess and engaged in chronic, pervasive sexualized behavior with the minors—including forcing the minors to sleep with him, bathing with them, and using the bathroom in their presence. The petition also alleged that the children displayed emotional symptoms when asked about inappropriate touching; that Monica failed to protect the minors from Dean; that neither parent had complied with the safety plan; and the minors feared returning to Dean's home, so much so that they did not want any contact with him. Finally, the petition alleged that Alexandra had stated that she did not want to live with Monica, either. On December 16, 2010, the juvenile court approved the detention of both minors.

In reports from the agency, the juvenile court saw evidence that Dean was very controlling, forcing the minors to adapt in order to accommodate him. Evidence of his bathing, toileting, and sleeping with the minors, of Sydney's emotional withdrawal and recurring masturbation, and of Alexandra's disturbing emotions was also presented. Dean did not believe he had crossed any appropriate boundary with the minors. The minors dreaded bath time when Dean was around and Sydney said that she wanted a "break" from sleeping with her father. Monica did not believe that Dean had sexually

abused the girls, but agreed that he had inappropriate boundaries with them. She denied that she had failed to protect the girls. According to the agency, both parents demonstrated a lack of insight about the safety issues in their home.

Alexandra and Sydney were happier and more outgoing when living together in their foster home. At first, the girls insisted that they did not want to live with either parent, particularly Dean. They also declined to speak with their parents at all. Dean moved to his parents' home so that the girls might be returned to Monica's care.⁴ By January 2011,⁵ he moved to another home.

By the end of January, Alexandra and Sydney agreed to have telephone calls with Monica and had a supervised visit with her. They continued to show no interest in visits with Dean. All four began seeing individual therapists.

A jurisdictional hearing was conducted over many sessions from January through September. The hearing was repeatedly continued to allow the receipt of additional evidence. Both parents testified. The agency recommended that the minors be made juvenile court dependents based on findings of sexual abuse and failure to protect; that the court find that removal was required; that Alexandra and Sydney be allowed to remain in their foster home; that supervised visitation be provided to both parents and that the family be provided with reunification services. In March, the girls were willing to have overnight visits with Monica, but Alexandra and Sydney still wanted no contact with Dean. They continued to be happy living in their foster home.

On April 13, an amended petition was filed, adding allegations that Alexandra and Sydney were at risk of serious emotional damage, based on the same specific allegations raised in the original petition as the basis of allegations of sexual abuse and failure to

⁴ Dean lived with his parents. At first, neither minor wanted to see their grandparents; Sydney in particular was uneasy about the possibility of visiting them. The girls did not express an interest in living with their grandparents. The juvenile court denied Dean's motion to place the minors with his parents.

⁵ All subsequent calendar dates refer to the 2011 calendar year.

protect. (§ 300, subd. (c).) Dean sought to strike this amended petition, but his motion was denied.

Dean repeatedly asked the social worker to arrange visitation. Starting in May, Dean filed several motions for court-ordered visitation with the minors. His parents also moved to have Alexandra and Sydney placed with them. These matters were set for hearing. (See fn. 4, *ante*.)

In June, the agency was considering the possibility of placing Alexandra and Sydney with Dean's parents, and of recommending further reunification services to Dean and Monica. The minors' therapist believed that the minors should be spending more time with Monica rather than with the grandparents. She also opined that the girls showed signs of trauma consistent with post-traumatic stress disorder or syndrome—including being emotionally flat, non-reactive or having startled responses to emotionally-charged situations or questions. For her part, Sydney told the therapist that she was not ready to talk about “ ‘bad things’ ” that had happened at her home.

By mid-June, the parties stipulated that the record showed no evidence of sexual abuse of either child. Dean put on expert evidence undermining the therapist's diagnosis of post-traumatic stress disorder. His expert opined that the girls demonstrated no substantial evidence of sexual, physical, or emotional abuse.

Six months after removal, Alexandra and Sydney still expressed no desire to contact or visit Dean. The therapist recommended that when contact with the father was appropriate for the girls, it should begin in a family therapy setting, so that a therapist could evaluate Dean's readiness for visitation. The juvenile court granted Dean supervised visitation, to be held in a therapeutic setting.

By the end of June, the agency recommended placing Alexandra and Sydney with Monica. It proposed to reduce the grandparents' visitation once Monica was having unsupervised visits with the minors. Monica was making progress addressing her issues

with co-dependence and passivity. On June 28, the juvenile court approved a 30-day trial visit with Monica beginning on July 3.⁶

On July 1, the first family therapy session⁷ was to be conducted with Michelle Lane. Dean's attorney pressed for a joint session with Dean, Alexandra, and Sydney on that date. However, Lane—after consulting with the minors' therapist and the case worker—concluded that it would be best to set up an initial session with Dean alone to determine his readiness for visitation with the minors. Lane planned to have an initial session with the two girls a week later, so that they could meet her and she could become more familiar with the family circumstances before the girls had their first visit with Dean in many months. Dean was advised that the July 1 session would be conducted without Alexandra and Sydney.

On July 1, Dean's parents had picked up the girls from Monica for a visit. When Dean met with Lane, he did not discuss the issues that led the minors to be removed from the family home. Instead, he painted himself as a victim, accusing the agency of mismanaging the case and of alienating him from his children. He had arranged for his mother to bring the girls to the session, hoping that he could see the girls that day. After fifteen to twenty minutes, Dean left the session and a few minutes later, his mother brought the girls in.⁸ After meeting with Alexandra and Sydney, Lane advised Dean that she was unable to facilitate a joint meeting at that time.

Lane was surprised by this turn of events. As a result of this initial session, both Lane and the minors' therapist concluded that family therapy should be postponed and that visitation with Dean was not in the best interests of the minors at that time.⁹

When the social worker learned that Dean's mother had brought Alexandra and Sydney to Dean's session, she attempted to cancel the remainder of the girls' visit with

⁶ This was later extended for another 30 days.

⁷ As will be seen, there would be three attempts at family therapy, each with a different therapist who was new to the family.

⁸ Lane did not observe any contact between the minors and Dean.

⁹ As a result of this initial session, Lane withdrew from the case.

the grandparents. Dean's parents were out of communication with the agency for several hours and the whereabouts of the minors were not known for some time. Local police were involved. About noon on July 2, Alexandra and Sydney were returned to the foster mother. The following day, the girls were placed in Monica's home.

On July 11, the social worker concurred with the therapists' recommendation that visitation with Dean and the minors should be postponed because visitation at that time would be detrimental to the minors. The social worker opined that Dean continued to lack insight or take responsibility for his role in the issues that led to the minors' removal from his home. She also faulted Dean's mother for failing to appreciate the severity of the issues her son needed to address. The social worker asked the juvenile court to order only supervised visitation with the grandparents.

Dean asked that the social worker be removed from the case, citing her interference with his visitation. He also sought enforcement of the order allowing visitation, with the grandparents' support.

On July 14, the juvenile court ordered the social worker to make a referral to a second family therapist so that family therapy could begin. Visitation with the grandparents was left to Monica's discretion. On July 29, a second family therapist, Marc Campos, met with Dean about the advisability of family therapy involving the minors. Dean was reluctant to discuss the issues that led to the removal of the minors. Campos also met with Alexandra and Sydney in a separate session. He also concluded that the minors were not ready for family therapy with Dean. This conclusion led the agency again to recommend that the court order for family therapy be vacated.

At this time, the social worker learned that Dean may not have told his individual therapist that Alexandra had stood on his lap while he sat on the toilet.¹⁰ His therapist told Campos that he did not believe this had occurred—only that Dean had accidentally left the door open while using the toilet. In court, Dean had admitted that that he allowed Alexandra to stand on his knees while he used the toilet. He testified that she asked to do

¹⁰ Dean later stated that he *had* reported this to his individual therapist.

this, although Alexandra said that he made her do it. Dean minimized this event when he discussed it.

Monica reported to the social worker that Sydney had begun having traumatic nightmares shortly after learning that the social worker would be meeting with both girls to discuss visiting with Dean. Alexandra and Sydney were anxious about meeting Dean in person. Sydney also appeared to be more uneasy when she was parted from Monica.

In August, the agency recommended that Alexandra and Sydney be declared dependents of the juvenile court, that they remain in Monica's care, and that she be given formal family maintenance services. It recommended that the agency be given discretion to offer informal child welfare services to Dean. His visitation with the minors should be by court order only, it recommended. After a hearing on this request, the juvenile court found that it could not determine if visitation was detrimental to the minors because it did not have clear and convincing evidence that visitation would be harmful to them. It ordered the agency to find yet another family therapist to meet with Dean and the girls.

The agency did so. The third family therapist, Shalini Dayal, had a session with Dean and another with Alexandra and Sydney. Dean did not believe that he had done anything inappropriate with his daughters. He accused the agency of brainwashing them and blamed Monica for ending their marriage. For their part, the girls remained consistent about not wanting to have any contact with their father. Dayal observed that when she discussed the possibility of visiting with Dean, both minors were fearful and Sydney was anxious. She concluded that both were very frightened of Dean.

Dayal recommended that neither girl have any contact with Dean for at least two years, at which time another visitation assessment could be made. She opined that the two-year period would allow Alexandra and Sydney to continue their own emotional healing until visits could be considered. The girls could ask for contact with Dean before

that time,¹¹ but Dayal cautioned against making repeated inquiries of the minors about visitation with him. In her opinion, these assessments were taking an emotional toll on Alexandra and Sydney. Again, the agency recommended that the family therapy visitation order be vacated and that Dean be allowed to visit the minors only with the court's permission.

In late October, the grandmother had a visit with the minors. She gave the girls presents and whispered to Alexandra that they were from Dean. This was a secret, the grandmother told Alexandra, who was uncomfortable about this. Alexandra told Monica about this incident later, and Monica reported it to the social worker.

In November, the juvenile court found grounds for jurisdiction over both minors based on amended allegations they were suffering or at risk of suffering serious emotional damage. (§ 300, subd. (c).) It rejected the allegations of sexual abuse and failure to protect the minors. (§ 300, subds. (b), (d).) Specifically, the court upheld allegations that Dean was domineering toward Monica and the minors, that he was emotionally abusive toward Alexandra and Sydney and that the girls had emotional difficulties because of Dean's inappropriate conduct and Monica's failure to protect them from Dean. The juvenile court declared both Alexandra and Sydney to be dependents of the court. By clear and convincing evidence, it found that the minors had to be removed from Dean's custody. Their placement with Monica was to continue and she was to be provided with family maintenance services, while the agency was ordered to provide informal child welfare services to Dean.

The juvenile court did not issue a visitation order, but set an evidentiary hearing on the issue of whether visitation with Dean would be detrimental to Alexandra and Sydney. Dayal was expected to testify at that hearing about that issue. At the time of Dean's appeal from the jurisdictional order, the visitation issue was unresolved.

¹¹ In fact, Alexandra asked if she could write letters to Dean. Two of her letters are part of the record on appeal. One of them states that she is not ready to see him yet. Sydney was given the opportunity to write a letter to him, too, but she withdrew emotionally when this offer was made.

In December, the agency filed a second amended petition citing only those allegations that the juvenile court had found to be true.

II. JUSTICIABILITY

On appeal, Dean challenges the juvenile court's finding that Alexandra and Sydney came within the jurisdiction of the juvenile court. The agency argues that because Monica did not appeal the determination that the children came within the juvenile court's jurisdiction, Dean does not raise a justiciable controversy and his challenge should be dismissed.¹²

This question bears on the juvenile court's subject matter jurisdiction—its power to hear and resolve the issue before it. (*Donaldson v. National Marine, Inc.* (2005) 35 Cal.4th 503, 512.) Subject matter jurisdiction requires an actual, justiciable controversy—one that will result in a judgment offering relief to the parties. (*Ebensteiner Co., Inc. v. Chadmar Group* (2006) 143 Cal.App.4th 1174, 1178-1179; *Shapell Industries, Inc. v. Superior Court* (2005) 132 Cal.App.4th 1101, 1111.) In a juvenile dependency matter, the court takes jurisdiction over the minors, not their parents. A juvenile court has jurisdiction over those minors if the actions of *either* parent bring the children within the statutory criteria set out in section 300. (*In re Joshua G.* (2005) 129 Cal.App.4th 189, 202; *In re Alysha S.* (1996) 51 Cal.App.4th 393, 397.)

In the matter before us, the juvenile court concluded that the minors suffered serious emotional damage as a result of Dean's conduct and as a result of Monica's failure to protect them from him. (§ 300, subd. (c).) Monica has not challenged the jurisdictional finding. The minors have been returned to her custody and she is living apart from Dean. A jurisdictional finding against either parent is sufficient to bring the minors within the juvenile court's jurisdiction. (*In re Alysha S., supra*, 51 Cal.App.4th at p. 397.) The agency's theory is that even if we assume *arguendo* that the juvenile court erred in taking jurisdiction based on Dean's actions, it would still have jurisdiction over the minors based on its findings related to Monica. As we cannot offer Dean the relief

¹² Dean did not address this contention in his reply brief.

that he seeks—to reverse the juvenile court’s order taking jurisdiction over the minors—the agency reasons that the issues he raises on appeal are not justiciable.

We are reluctant to make such a finding, for two reasons. First, no case law expressly rejects a jurisdictional challenge from one parent because the other stipulated to that same basis of juvenile court jurisdiction. If there are alternative bases of jurisdiction and the appealing parent raises only one, we could find that the appeal was not justiciable because the alternative, unchallenged bases are sufficient alone to render a challenge to other bases of jurisdiction moot. (See *In re Dirk S.* (1993) 14 Cal.App.4th 1037, 1045; *In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875-876.) In the case before us, there is only one basis of juvenile court jurisdiction—that the minors were at risk of serious emotional damage.

We are also concerned because jurisdiction was based in part on Monica’s failure to protect the minors from Dean—a ground that is inextricably intertwined with jurisdiction based on Dean’s actions causing the girls’ serious emotional damage. If Dean is correct that his conduct cannot form the basis of jurisdiction, then we could not uphold juvenile court jurisdiction based on Monica’s failure to protect the minors from that conduct, either.

When the issues of two parties are intertwined, either party has standing to litigate an issue that has an impact on their related interests. (*In re Caitlin B.* (2000) 78 Cal.App.4th 1190, 1193.) Although Dean did not expressly challenge the jurisdictional finding relating to the emotional damage caused by Monica’s initial failure to protect the minors from him, such a challenge is implied in the challenge he makes to the sufficiency of evidence of his misconduct leading to serious emotional harm to the minors. We conclude that Dean’s express and implied jurisdictional challenges are sufficiently intertwined to allow him to proceed with his challenge to the juvenile court’s jurisdictional finding against him.

III. ADMISSIBILITY OF EVIDENCE

On the merits,¹³ Dean argues that allowing the agency to admit evidence that the minors suffered from post-traumatic stress disorder or syndrome violated his due process rights. If that evidence was considered in the juvenile court's ruling, he reasons that this consideration also denied him due process.

Based on our review of the record on appeal, we are convinced that Dean overstates the significance of the challenged evidence. Even if we were to assume *arguendo* that the evidence *labeling* the girls' emotional distress as the result of post-traumatic stress disorder or syndrome should have been excluded, the juvenile court could still consider the *underlying evidence* that Alexandra and Sydney were often withdrawn, fearful and anxious, particularly when confronted with the possibility that they might have contact with Dean.

The erroneous admission of evidence violates due process and warrants a new hearing only if admission of that evidence rendered the hearing fundamentally unfair. (See *Estelle v. McGuire* (1991) 502 U.S. 62, 70; *Spencer v. Texas* (1967) 385 U.S. 554, 563-564; *People v. Falsetta* (1999) 21 Cal.4th 903, 913; *People v. Partida* (2005) 37 Cal.4th 428, 439; see also Evid. Code, § 353.) Dean's expert countered this evidence at the hearing with his contrary view of the minors' emotional condition. For this reason and in light of the other evidence of the minors' emotional state, we are satisfied that no fundamental unfairness resulted from the admission of the challenged evidence.

Absent any unfairness, Dean is entitled to a reversal only if it is reasonably probable that a different result would have occurred if the evidence had been excluded. (See *People v. Earp* (1999) 20 Cal.4th 826, 878; see *People v. Watson* (1956) 46 Cal.2d 818, 836.) Our review of the record convinces us that there is no reasonable probability

¹³ In his briefs, Dean makes numerous "arguments" that are actually recitations of evidence or events that were brought to the attention of the juvenile court. We respond only to the legal contentions raised in his appeal.

that the juvenile court would not have found that the minors suffered from serious emotional damage if the challenged evidence had been excluded.¹⁴

IV. SUFFICIENCY OF EVIDENCE

Dean contends that the evidence does not support a finding that Alexandra and Sydney suffered from serious emotional damage. A child may be declared to be a dependent of the juvenile court if the child suffers serious emotional damage or is at substantial risk of suffering serious emotional damage, as evidenced by such conditions as severe anxiety, depression, or withdrawal. (§ 300, subd. (c).) The juvenile court found both Alexandra and Sydney were dependent children based on this ground. In an appeal challenging the sufficiency of evidence supporting this finding, we view the entire record in the light most favorable to the juvenile court's finding, indulging in all legitimate and reasonable inferences to uphold that finding. If substantial evidence supports the finding, we have no power to disturb the juvenile court's judgment. (*In re Precious J.* (1996) 42 Cal.App.4th 1463, 1472; *In re Misako R.* (1991) 2 Cal.App.4th 538, 545.)

As the party challenging the juvenile court's finding, Dean bears the burden of proof on this issue. (See, e.g., *In re Geoffrey G.* (1979) 98 Cal.App.3d 412, 420.) In his claim of error, Dean cites only evidence favorable to him and ignores the ample evidence of his daughters' emotional distress resulting from his conduct. He argues that his expert saw no signs of serious emotional damage from Alexandra and Sydney. His evidence suggested that his children were doing well and were fond of him. In essence, he asks us to find his evidence to be more credible than the conflicting evidence that supports the juvenile court's ruling. This reflects a fundamental misunderstanding of our role as an appellate court reviewing a juvenile court finding for substantial evidence. We have no authority to substitute our judgment for that of the juvenile court on these credibility

¹⁴ In February 2013, we granted the agency's request for judicial notice without making a determination of the relevance of the matter. We find that the proffered evidence of post-traumatic stress disorder is not necessary to our decision, and thus, not relevant.

issues. (See *In re Precious J.*, *supra*, 42 Cal.App.4th at p. 1472; *In re Misako R.*, *supra*, 2 Cal.App.4th at p. 545.)

The evidence before the juvenile court was clearly sufficient to support the juvenile court's finding that Alexandra and Sydney suffered from or were at risk of suffering from serious emotional damage. The record is replete with evidence that both girls were terrified at the very idea of seeing Dean. The record is not clear what Dean did to prompt those feelings, but it does clearly demonstrate that Alexandra and Sydney suffered serious emotional damage because of his conduct and were at risk of additional suffering if returned to his custody. The law requires no more before the juvenile court may bring these minors under its jurisdiction.

V. VISITATION

Dean also contends that the juvenile court erred by leaving visitation to the discretion of the agency, without making a finding of detriment. He cites no legal authority to support his claim that this was improper. His failure to articulate any legal argument in an opening brief may be deemed an abandonment of that aspect of the appeal. (See *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785; *Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1119; see also 9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 701, pp. 769-771.) Thus, we deem this claim of error to be abandoned.

VI. REMOVAL

Dean also argues that the juvenile court could not properly find him to be the source of the minors' emotional damage because they had no contact with him during the removal period and because there were no legitimate signs of emotional abuse before or immediately after the minors' detention. To properly declare jurisdiction over the minors based on a finding of serious emotional damage, the juvenile court was required to find that this damage resulted from the conduct of a parent. (§ 300, subd. (c).) At the November 2011 hearing, the juvenile court found by clear and convincing evidence that removal of the minors from Dean's custody was required. It placed the minors with Monica. Thus, the juvenile court necessarily found that Alexandra and Sydney's emotional damage was the result of Dean's conduct rather than that of the mother.

We find substantial evidence supporting the finding that Dean caused serious emotional damage to his children. His contrary argument flies in the face of the record of the serious emotional damage that Alexandra and Sydney suffered before their detention. It is clear that events occurring while the minors were living in Dean's home have had a lasting, detrimental effect on these girls. Almost a year after being out of contact with their father, the minors were still terrified at the prospect of even seeing him. Clearly and consistently, the minors have told various persons—their foster mother, their therapist, and three different family therapists attempting to determine if visitation with Dean was wise—over many months that they did not want to see Dean. Of her own accord, Alexandra wrote him a letter stating that she was not ready to see him yet. The record is clear that the minors were and still are suffering the effects of past emotional abuse inflicted during the time that they lived in Dean's home.

Dean also contends that he addressed the juvenile court's concerns, such that he posed no current risk of harm to minors. The record is replete with evidence to the contrary. The minors have been clear and consistent about their aversion to Dean and their strong desire not to have any contact with him. The strength of their assertions is particularly telling, given the young age of the minors. Alexandra and Sydney's visceral negative reaction to the mere suggestion that they might be compelled to have contact with their father makes it clear that he poses a current risk of harm to their emotional wellbeing.

Finally, Dean asserts that the minors were doing well at the time that the juvenile court's jurisdictional and disposition orders were made. This assertion ignores the obvious—that Alexandra and Sydney are suffering emotional harm, but were improving *because* they were removed from his custody. Once they were no longer required to live with him or to have any contact with him other than that which they initiated, the girls' emotional condition improved. The juvenile court's finding that Dean caused the minors' serious emotional damage and its finding that removal is required are clearly supported by the evidence in the record before us.

The disposition orders are affirmed.

REARDON, ACTING P. J.

We concur:

RIVERA, J.

HUMES, J.